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33. (New) The medical valve of claim 28, wherein said elastomeric wall comprises an outer peripheral wall of said elastomeric cylinder.

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34. (New) The medical valve of claim 32, wherein said rigid members are mounted radially outside said elastomeric cylinder.

REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 24-34 are now pending.

Patent claims 1-23 are the subject of my earlier reissue Application No. 09/140,413 and therefore have been canceled from this reissue application. Claims 24, 25, 26 and 28 have been amended above. Claim 27 remains as proposed with the filing of this reissue application and new claims 29-34 have been added. Support for these features of the invention may be found throughout the original specification and in particular at column 4, line 53 – column 5, line 30 and column 5, lines 45-59. See also column 8, first full paragraph.

In the Official Action, the specification was objected to under 37 CFR 1.71 because the specification allegedly did not provide support for "a space adjacent said piston" as set forth in claim 24. Claim 24 was also rejected under 35 USC 112, first paragraph, for the reasons set forth above. Reconsideration is respectfully requested.

In this regard, it is believed that the specification does support the definition of a space, e.g. when the slit is deflected open. That space is defined adjacent (within) the material of the piston. Claim 24 has been revised above to recite that the space is "within" the piston. Nevertheless, it is believed that the reference to a space adjacent the piston is likewise accurate and consistent with the disclosed embodiment. Reconsideration and withdrawal of this objection and rejection are requested.

Claims 24-28 were rejected under 35 USC 112, second paragraph, as being indefinite. In this regard, the Examiner advised that it was unclear whether the claim was to a sub-combination or a combination. Claim 24 has been revised above to refer to the sub-combination. It is believed that the balance of the claim is consistent with the preamble. The references to male luer are for clarity of intended use and are believed to be appropriate in the way used.

Original claims 24-28 were rejected under 35 USC 102(b) as being anticipated by McElveen. Applicant respectfully traverses this rejection with respect to the claims as presented above.

Claim 24 has been revised above to specify that the piston has a longitudinal slit that is displaced open when the piston is displaced from the proximal position toward the distal position to open communication between a space defined within the piston, and the male luer. No such slit which is displaced open is taught or suggested by McElveen. Reconsideration and withdrawal of the Examiner's rejection is therefore requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS**

24. (Amended) A medical valve for receiving a male luer connector having an open distal end and for [selectively] providing fluid communication, said valve comprising:

[a. a male luer having a distal end and an opening therethrough;]

[b.]a a housing[,] having a proximal end and a distal end and a bore, the bore defining a longitudinal axis extending through said housing from said proximal end toward said distal end, said housing including a cylindrical proximal portion[,];

c.] said [housing including a] proximal portion being sized for receiving said male luer distal end and to engage threads of said male luer connector, said housing further including a distal portion;

b. at least one rigid member mounted within said bore;

[d.]c. an elastomeric septum piston disposed within said bore, said septum piston having at least one longitudinal elastomeric wall, a transverse elastomeric face and a longitudinal slit defined therethrough, the septum piston being moveable distally along the longitudinal axis of said housing from a proximal position adjacent said proximal portion to a distal position [adjacent said distal portion], a longitudinal space being defined within said piston at least when said piston is in said distal position, said rigid member being mounted within said bore so that said distal movement of said piston along said longitudinal axis induces a transverse pressing force between said at least one rigid member and said elastomeric piston, said force being transmitted in a direction transverse to said longitudinal axis to deflect said longitudinal elastomeric wall and displace open said longitudinal slit without said rigid member contacting said slit to thereby open [a] fluid communication between said space within [adjacent] said piston and said male luer connector, said space being elastically enlarged by said rigid

member as said piston is moved distally, said fluid entering said space upon said distal movement[,] ;

e. said piston being further movable proximally from said distal position [to] toward said proximal position, said longitudinal elastomeric wall rebounding to close said slit to thereby close fluid communication between said space and said male luer connector and to elastically diminish said space to express fluid from within said space [, said piston and said housing being sized and configured such that said space closes] upon said movement proximally such that said fluid expressed from within said space is expressed, relative said piston, in a direction opposite the movement of said piston.

25. (Amended) The medical valve of claim 24 wherein said space extends along said longitudinal axis [adjacent] within said piston when said piston is in said distal position.

26. (Amended) The medical valve of claim 24 wherein [said space is compressed by said piston to express said fluid when said piston moves from said distal position to said proximal position] a plurality of rigid members are provided, said rigid members being positioned within said bore such that said slit is pushed into an open configuration by a plurality of different traverse forces transmitted through said different regions of said elastomeric piston as said piston is moved from said proximal position toward said distal position.

27. The medical valve of claim 24 wherein said space is bounded by an interior surface of said piston when said piston is in said distal position.

28. (Amended) The medical valve of claim 26, wherein at least a proximal portion of said piston comprises an elastomeric cylinder having a longitudinal axis co-axial to said longitudinal axis of said bore, said elastomeric cylinder being slidable along said proximal portion of said housing [24 wherein said space defines, in said distal position, an upper portion and a lower portion, said housing and said piston being

configured such that said upper portion is sealed when said piston moves from said distal position to said proximal position so said fluid is selectively expressed out said distal portion toward said distal end of said housing].

29. (New) The medical valve of claim 28, wherein said elastomeric wall includes substantially opposing portions, said rigid members being mounted such that said pressing forces are applied to said opposing portions so that said opposing portions move transversely in opposite directions to thereby spread said slit into an open position.

30. (New) The medical valve of claim 29, wherein said rigid members are mounted within said valve so that said pressing forces widen said elastomeric face along an axis transverse to said longitudinal axis, to displace said slit into an open configuration when said elastomeric piston is moved toward said distal position.

31. (New) The medical valve of claim 28, wherein said elastomeric face defines a central portion and said slit defines a long transverse axis along said central portion of said elastomeric face, said rigid members being mounted within said housing such that said elastomeric face is widened along an axis transverse to said long transverse axis of said slit when said male luer displaces said elastomeric piston into said distal position, so that said slit is spread open by said transverse displacement of said face so that fluid can flow through said slit without contact between said rigid members and said slit.

32. (New) The medical valve of claim 28, wherein said rigid members are mounted radially adjacent said elastomeric cylinder.

33. (New) The medical valve of claim 28, wherein said elastomeric wall comprises an outer peripheral wall of said elastomeric cylinder.

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34. (New) The medical valve of claim 32, wherein said rigid members are mounted radially outside said elastomeric cylinder.